

AGENDA
Regular Session of the City Council of the City of Saint Charles, Missouri
Council Chambers - 4th floor - City Hall - 200 North Second Street
Tuesday, December 1, 2009
7:00 P.M.

1. ROLL CALL
2. INVOCATION AND PLEDGE OF ALLEGIANCE
3. PUBLIC HEARINGS
 - A. Budget for Fiscal Year 2010 (*Council Bill 10061*)
 - B. Case No. CU-39-09. (Society of St. Vincent de Paul Archdiocesan Council of St. Louis). An application for a Conditional Use Permit from §156.033(C)(1)(g) for Secondhand Sales within the C-2 General Business District, specifically to operate a consignment and retail sales store at 1051-1083 Regency Parkway. The subject property is 4.83 acres and is located in Ward 6. (*RCA Attached*)
 - C. Case No. CU-40-09. (Amy Ludwig) An application for a Conditional Use Permit from §156.040(C)(4) within the FHCD Frenchtown Historic Commercial District for a Lecture Hall at 825 North Second Street, specifically to open a lecture hall in association with a museum and storytelling facility. The subject property is 0.09 acres and is located in Ward 1. (*Tabled at Planning & Zoning; therefore, the Public Hearing should be tabled until January 5, 2010*)
 - D. Case No. CU-41-09. (Nick Serra) An application for a Conditional Use Permit from §156.036(D)(1)(a) within the I-2 Heavy Industrial District for a Storage, Sales & Service of Construction Equipment (including vehicles) business at 3421 New Town Boulevard (a.k.a. 525 Airport Rd). The subject property is 1.00 acres and is located in Ward 8. (*Tabled at Planning & Zoning; therefore, the Public Hearing should be tabled until January 5, 2010*)
 - E. Case No. CU-15-08. (Dave's Auto Restoration/Crabtree Family Partnership) An application for a revision to a previously approved Conditional Use Permit from §156.033(C)(1)(e) within the C-2 General Business District, specifically to extend the deadline for required parking lot improvements for an Automotive Repair and Body Work Facility at 2239 North Third Street. The subject property is 0.42 acres and is located in Ward 1. . (*RCA Attached*)
 - F. Case No. Z-18-09. (William & Bertha Massey) An application to rezone a parcel of land in the process of annexing into the City. The property is located at 1011 Meadow Lane Lot #2 (Id # 6-0011-S034-00-7). The applicant is requesting to rezone the property from the County R-1E Single-Family Residential to the City C-3 Highway Business District. The property contains approximately 0.13 acres and will be located in Ward 6 upon annexation. (*Tabled at Planning & Zoning; therefore, the Public Hearing should be tabled until January 5, 2010*)
 - G. Case No. Z-19-09. (Michael Myers) An application to rezone a tract of land from the R-1E Single-Family District to the R-2 Two-Family Residential District. The 0.12 acre parcel is known as 2410 North Eighth Street and is located in Ward 1. Three (3) variance requests relative to this rezoning application have been submitted to the St. Charles Board of Adjustment for review on Monday, November 2, 2009. (*Withdrawn by Applicant*) (*RCA Attached*)

- H. Case. No. DR-08-09. An ordinance amending Sections 156.032-156.036, Sections 156.030, 156.117, 156.119, 156.281, 156.503 and creating new Sections 156.190-156.199 of Chapter 156 of the St. Charles Code of Ordinances (Zoning Code) by including provisions for a Green Point Rating System and site sustainability enhancements (*Council Bill 10076*)

4. RESOLUTIONS/AWARDS/PROCLAMATIONS

5. PUBLIC COMMENT

A. Reading of Written Petitions, Memorials and Remonstrances

B. Public Comment Relative to Agenda Items

C. Public Comment Relative to City Issues

NOTE: To address the Council, please complete a speaker card and present to the City Clerk prior to the meeting.

6. BILLS FOR FINAL PASSAGE

Bill 10056 (*Supplemental RCA*) (*To be Held by Sponsor Pending Completion of Budget Discussions*)

An Ordinance Authorizing Renewal of a Contract with Group Health Plan (GHP) to Provide a Self-Funded Medical Insurance and Prescription Drug Program to the Mayor, Council, All Full-Time Employees and Their Eligible Dependents, Retirees and Eligible Spouses for Plan Year 2010 (from February 1, 2010 Through January 31, 2011) in an Amount Not to Exceed \$593,572.00 (*Sponsor. Larry Muench*)

Bill 10058

An Ordinance Amending Chapter 156 of the Code of Ordinances of the City of St. Charles, Missouri by Amending Section 156.705 Pertaining to Street Banner Signs (*Sponsor. Richard Veit*)

Bill 10059

An Ordinance Amending Schedule II, Subsection (A) of Chapter 78 of the Code of Ordinances by Establishing Parking Restrictions Along a Portion of South Seventh Street (*Sponsors. Erv Ermeling, Larry Muench, Michael Klinghammer, Jerry Reese, Ron Stivison*)

Bill 10060

An Ordinance Amending Chapter 96 of the Code of Ordinances of the City of St. Charles, Missouri by Creating a New Section To Be Known As Section 96.12 Prohibiting the Spraying or Discharge of Pesticides on Property of Another (*Sponsor. Bob Kneemiller*)

Bill 10061 (*To be Held by Sponsor Pending Completion of Budget Discussions*)

An Ordinance Adopting a Budget for the City for the Period from January 1, 2010 to December 31, 2010, and Appropriating Money in the City Treasury to Pay for the Cost of Operating the City Government During That Period in Accordance with the Budget (*Sponsor. Larry Muench*)

Bill 10062 (To Be Held Pending Public Hearing on December 15, 2009)

An Ordinance Amending Section 156.253 of the Code of Ordinances of the City of St. Charles, Missouri Pertaining to Reconsideration of Applications for Amendment, Supplement or Change to the Zoning Code *(Sponsor: Laurie Feldman)*

Bill 10063

An Ordinance Repealing Ordinance No. 09-95 and Enacting a New Ordinance to Adopt Positions, Salary, Wages and Other Compensation for Employees; Reclassifying the Community Relations Specialist Position and Changing the Job Title *(Sponsor: Larry Muench)*

Bill 10064

An Ordinance Amending Ordinance Number 08-270 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2009 (Budget Amendment #4). *(Sponsor: Larry Muench)*

Bill 10065 (To be Held by Sponsor Pending Completion of Budget Discussions)

An Ordinance Authorizing a Contract with Essex Dental Benefits, Inc. to Provide the Mayor, City Council Members, All Full-Time Employees and Their Eligible Dependents, Retirees and Eligible Spouses With a Basic and Buy Up Dental Program for the Period February 1, 2010 through January 31, 2011 in an Amount Not to Exceed \$347,000.000 *(Sponsor: Larry Muench)*

Bill 10066

An Ordinance Approving the Road Dedication and Easement Plat for Chateau Country Club *(Sponsor: Laurie Feldman)*

Bill 10067

An Ordinance Approving the Record Plat for Hemstead Cottage Villas Garages, a Subdivision of the City of Saint Charles, Missouri *(Sponsor: Michael Klinghammer)*

Bill 10068

An Ordinance Authorizing a Contract with SystemAire, Inc. for the St. Charles City Hall HVAC Upgrade in an Amount Not to Exceed \$222,330.00 *(Sponsor: Larry Muench)*

7. **BILLS FOR INTRODUCTION**

Bill 10069

An Ordinance Authorizing Supplemental Agreement No. 4 to the Contract with Dave Kolb Grading, Inc. for the Pearl Ridge Storm Sewer Extension Project in an Amount of \$28,560.00, for a Total Amount Not to Exceed \$1,089,214.00 *(Sponsor: Laurie Feldman)*

Bill 10070

An Ordinance Authorizing a Funding Agreement By and Between ACF Industries, The Goodyear Tire & Rubber Company, Mallinckrodt Inc., a Delaware Corporation, Pharmacia Corporation, Findett Real Estate Corporation and the City of St. Charles, Missouri for Funding of the Volatile Organic Compounds (VOC) Design Work by Jacobs Engineering *(Sponsor: Michael Klinghammer)*

Bill 10071

An Ordinance Authorizing Change Order No. 2 to the Contract with TGB, Inc. for the Construction of the Second Street Water Main Project in an Amount of \$154,950.96, for a Total Amount Not to Exceed \$1,031,727.76 (*Sponsor: Michael Klinghammer*)

Bill 10072

An Ordinance Authorizing a Contract with R.V. Wagner, Inc. for the Repair of the Boone's Lick Box Culvert in an Amount Not to Exceed \$178,320.00 (*Sponsor: Michael Klinghammer*)

Bill 10073

An Ordinance Authorizing a Contract with Tap Utilities, LLC for the Thomas Avenue Storm Sewer Project in an Amount Not to Exceed \$393,722.00 (*Sponsor: Michael Klinghammer*)

Bill 10074

An Ordinance Authorizing a Pipeline License Agreement with the Missouri Department of Natural Resources for the Construction, Maintenance, Operation and Repair of One Twenty Inch (20") and One Sixteen Inch (16") Sanitary Sewage Pipeline Crossing the Right of Way for the KATY Trail State Park (*Sponsor: Richard Veit*)

Bill 10075

An Ordinance Authorizing a Contract with N.B. West Contracting Company for the Construction of State Route 94 & Zumbuhl Road/Friedens Road Improvements Project in an Amount Not to Exceed \$492,313.67 (*Sponsors: Laurie Feldman and Bob Kneemiller*)

Bill 10076

An Ordinance Amending Chapters 150 and 156 of the Code of Ordinances by Amending Sections 150.085, 156.030, 156.032, 156.033, 156.034, 156.035, 156.036, 156.117, 156.119, 156.281 and 156.503 and Creating a New Subchapter Consisting of Four New Sections to be known as Sections 156.190, 156.191, 156.192 and 156.193 Pertaining to a Green Point Rating System and Establishing and Approving a Green Point Rating System Guide (*Sponsors: Laurie Feldman and Michael Klinghammer*)

Bill 10077

An Ordinance Authorizing a Contract with Arthur J. Gallagher Risk Management Services, Inc. to Place Various Lines of Insurance Coverage and Third Party Administration Services in an Amount Not to Exceed \$757,117.00 (*Sponsor: Larry Muench*)

8. ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

9. CONSENT AGENDA

A. Approval of Council Minutes

1. Regular Council Meeting of November 17, 2009
2. Public Hearing of November 17, 2009

- B. Approval of Council Committee Reports
 - 1. Approval of Council Committee Minutes
 - a. Council Work Session of November 17, 2009
 - 2. Approval of Council Committee Motions/Actions/Recommendations
 - a. Council Work Session of November 17, 2009 *(None)*

- C. Receipt of Reports from Boards, Commissions or Committees
 - 1. Senior Citizen Advisory Commission Meeting of September 15, 2009
 - a. Motion to Accept Invitation of Allied Waste to Tour the Recycling Center in Earth City on September 22, 2009
 - b. Motion to Authorize councilmember Jerry Reese to Invite a U.S. Congressperson to Conduct a Public Forum in January 2010 Relative to the National Health Care Legislation Being Considered by Congress
 - 2. Senior Citizen Advisory Commission Meeting of October 20, 2009
 - a. Motion to Declare a Moratorium on Additional Community Workshops until an Issue Arises Deserving such Attention
 - b. Motion to Discuss Council Bill 10013 Relative to Utility Tax Rebate at the November Commission Meeting
 - 3. Citizens with Disabilities Advisory Board Meeting of October 28, 2009
 - 4. St. Charles Park & Recreation Board Meeting of September 2, 2009
 - 5. St. Charles Park & Recreation Board Work Session of October 7, 2009
 - 6. St. Charles Park & Recreation Board Meeting of October 21, 2009
 - 7. Arts and Culture Commission Meeting of October 7, 2009
 - a. Motion to Approve the Following:
 - i. Grant Funding for The Big Read - \$5,000
 - ii. Disbursement of Remaining \$200 to Frenchtown Friday Nigh Flicks
 - iii. Reception for Grant Recipients - \$1,000
 - 8. July 4 Celebration Committee Meeting of July 22, 2009
 - 9. Board of Adjustment Meeting of November 2, 2009

- D. Receipt of Reports of the Director of Administration
 - 1. Request the City Council to Authorize the Creation of a Position to be Known as Police Services Officer and Delete one of the Authorized Police Service Technician Positions

- E. Approval of Contracts and Easements from \$30,001 - \$99,999
 - 1. Change Order No. 2 with All Type Grading and Excavating, Inc. for the West Adams Phase 2 Storm Sewer Project
 - 2. Contract with Adecco Engineering & Technical USA for Temporary Staffing in the Information Technology Department in an Amount not to Exceed \$66,882.00

- F. Preliminary Plats
 - None

- G. Miscellaneous
 - 1. Approval of Street Banner Sign Permit for SSM St. Joseph Health Center

2. Approval of Amendment to Council Rule 13(A) Relative to Council Bills Requested by Councilmembers
 3. Update and Status Report on the Emergency Creek Projects
 4. Approval of Amendment to the Development Plan and Regulating Plan for the Plaza at Noah's Ark Project (Streets of St. Charles)
 5. Approval of Arts & Culture Commission Expenditures
 - a. Fife and Drum Corps - \$5,000
10. ITEMS REMOVED FROM CONSENT AGENDA
11. REPORT OF THE MAYOR
- A. Written and/or Verbal Messages from the Mayor
12. ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS
- A. Written and/or Verbal Messages from the Councilmembers
13. EMERGENCY ORDINANCES
14. TABLED BILLS/PUBLIC HEARINGS
- Bill 10013 (*Amended*)**
 An Ordinance Amending Chapter 113 of the Code of Ordinances of the City of St. Charles, Missouri by Amending Sections 113.02, 113.03, 113.15, 113.19, 113.30, 113.35 and 113.40 to Reduce the License Tax for Electricity, Gas and Telephone; Eliminate the Refund of License Fees to Elderly Residents; and Provide Effective Dates Thereof.
(Sponsors. Dave Beckering and Richard Veit)) (Tabled at the September 1, 2009, Regular Council Meeting)
15. APPROVAL OF CLOSED MINUTES
16. CLOSED SESSION, if requested, relative to:
- A. Legal actions, causes of action, or litigation (RSMo 610.021.1)
 - B. Leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2)
 - C. Hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3)
 - D. Preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9)
 - E. Sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

Posted: Wednesday, November 25, 2009 - 5.00 p.m.